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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

| | | |
|--------------------|---|-------------------------------|
| GARRICK LAU, |) | Civil No. 18-00295 DKW-RT |
| WILSON LAU and |) | |
| MABEL LAU |) | |
| Plaintiffs |) | PLAINTIFFS' CONCISE STATEMENT |
| |) | OF FACTS IN OPPOSITION TO |
| v. |) | DEFENDANTS' SUMMARY JUDGMENT |
| |) | MOTION; DECLARATION OF |
| |) | WILSON LAU; EXHIBITS A-C; |
| HONOLULU PARK |) | CERTIFICATE OF SERVICE |
| PLACE, AOA; CRAIG |) | |
| WILLIAMS; REBECCA |) | |
| FRIEDMAN; RICHARD |) | |
| BALDWIN; MELANIE |) | |
| KING; KATHERINE |) | |
| CROSIER; TRAPPEUR |) | |
| RAHN; CHRISTINE |) | |
| TRECKER; DENNIS |) | |
| PADLOCK; KELLY |) | |
| BREHM; TOM HEIDEN; |) | |
| GARRY BELEN, |) | |
| WALTER MIRANDA |) | |
| Defendants |) | |

CONCISE STATEMENT

Plaintiffs, through their undersigned counsel, pursuant to LR56.1, submit this concise statement of facts material to Defendants' Motion For Summary Judgment.

RESPONSES TO DEFENDANTS' CONCISE STATEMENT

Plaintiffs do not dispute the following facts set forth in Defendants' Concise Statement of Facts:

1, 2, 4, 5, 6, 8, 9, 10, 11, 14, 15, 16, 17, 18 and 19

Plaintiffs do dispute the following facts set forth in Defendants' Concise Statement of Facts:

3, 7, 12, 13, 20 and 21

MATERIAL FACTS

Plaintiffs identify material facts and their evidentiary support:

1. Plaintiffs own two dwelling units at the Honolulu Park Place ["HPP"].

Defendants' Concise Statement of Facts ["CSF"] No. 1; ECF Entry 12, Attachment 1, ¶ 2

2. Plaintiff Garrick Lau is disabled.

CSF No. 2; ECF Entry 12, Attachment 1, ¶ 4; Attachment 6, ¶ 3

3. Plaintiffs Wilson and Mabel Lau are Garrick's parents, living with him.

CSF No. 1; ECF Entry 12, Attachment 1, ¶ 3; Attachment 6, ¶ 2

4. Defendants knew of Garrick's disability and his parents' association.

CSF Nos. 1, 2; ECF Entry 12, Attachments 3, 4 [in their entirety]

5. Plaintiffs requested an accommodation necessary to afford them an equal opportunity to use and enjoy their dwellings.

CSF No. 4; ECF Entry 12, Attachment 1, ¶¶ 5-10; Attachment 4 in its entirety; Attachment 7, ¶¶ 5-11, 14; ECF Entry 74, Attachment 1, ¶ 4

6. Defendants denied Plaintiffs' requested accommodation to park their wheelchair-accessible vehicle in the HPP guest parking.

CSF Nos. 7-10; ECF Entry 12, Attachment 1, ¶ 15; Attachment 4 in its entirety, Attachment 6, ¶ 15

7. Plaintiffs requested restoration of permission to park in the HPP guest parking on the "first come, first served" basis that Defendants had allowed for many years before July 2017.

ECF Entry 12, Attachment 1, ¶¶ 21-22, ¶ 25; Attachment 5, p.2; ECF Entry 74, Attachment 1, ¶ 11

8. In August 2019 Defendants finally made Plaintiffs' accommodation, restoring the *status quo ante* and thus showing its reasonableness.

ECF Entry 74, Attachment 4 in its entirety

9. Plaintiffs attest in sufficient detail the non-financial harm they suffered for which they had filed a prayer for relief.

ECF Entry 12, Attachment 1, ¶¶ 17-18; Attachment 6, ¶¶ 17-19; and Attachment 7, ¶¶ 17-21

10. Defendants did a "flip-flop" on making the accommodation and did so in violation of the HPP governing document.

ECF Entry 69, Attachment 8, ¶ B(3)(j), ¶ O; ECF Entry 69, CSF No. 5, ECF Entry *, Attachment 1, ¶¶ 2-3; Attachment 4, in its entirety

DATED: Honolulu, Hawaii, October 12, 2019

/s/ Lunsford Dole Phillips